



August 12, 1999

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-2296

Dear Ms. Nguyen:

You have asked whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128307.

The City of Houston (the "city") received a request for a list of city employees to include names, addresses, and telephone numbers. The requestor also wants to know which employees have had payroll deductions taken for union dues. You contend that information about union dues paid by employees is protected under sections 552.101 and 552.102 of the Government Code. You also assert that the home telephone numbers and home addresses of employees who have opted in writing to protect this information from public disclosure is confidential under section 552.117 of the Government Code.

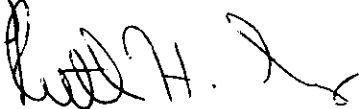
The test to determine whether information is private and excepted from disclosure under common-law privacy provisions, which are encompassed in section 552.101 and section 552.102 of the Government Code, is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Texas Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.-Austin 1983, writ ref'd n.r.e.). Information commonly found in public employee personnel files that reveals personal financial information generally is excepted from public disclosure under the common-law privacy test, except to the extent the information reflects a transaction between the employee and the public. Open Records Decision Nos. 600 (1992) (information about

public employee's participation in a group insurance program, retirement benefits beneficiaries, tax exempt reimbursement accounts, and direct deposit), 545 (1990) (information about a public employee's participation in a deferred compensation plan). We agree that information about union dues, which are entirely paid by employees, is confidential under sections 552.101 and 552.102.

Sections 552.024 and 552.117 provide that a public employee or official can opt to keep private his or her home address, home telephone number, social security number, or information that reveals that the individual has family members. You must withhold this information if, as of the time of the request for the information, the employees had elected to keep the information private. Open Records Decision Nos. 530 at 5 (1989), 482 at 4 (1987), 455 (1987). The information otherwise must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 128307

Encl. Submitted documents

cc: Mr. Tim Gaines
P.O. Box 52
Channelview, Texas 77530
(w/o enclosures)